

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DIATHE YVONNE GARNES Debtor.)))	Case No. 17-31517 Chapter 13 Carl M. Bates, Ch 13 Trustee
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MOTION TO CONTINUE AUTOMATIC STAY

COMES NOW Diathe Yvonne Garnes, by counsel, Nupa Agarwal, pursuant to 11 U.S.C. § 362(c)(3)(B) , and requests that the Court grant an extension of the automatic stay as to all creditors, as to the Debtor and the debtor's property, and as to the property of the estate for the duration of this Chapter 13 proceeding. In support of this Motion the Debtor states as follows:

1. Jurisdiction of this Court over the instant matter is based upon 28 U.S.C. §§1334 and 157 in that this action arises in and relates to this bankruptcy case of the Debtor, filed in this Court on March 23, 2017.
2. This proceeding is a core proceeding under 28 U.S.C. §157(b)(2)(A), (B),(K), and (O).
3. Venue is proper pursuant to 28 U.S.C. §1409.
4. On March 23, 2017, the Debtor filed in this Honorable Court a petition for Relief under Chapter 13 of the Bankruptcy Code, 11 U.S.C. §§ 1301 et seq. (the "instant case"). Carl M. Bates was appointed to serve as Chapter 13 Trustee in this case.
5. The Debtor has filed previous bankruptcy cases: The most recently filed previous case was a Chapter 13 filed on September 4, 2012 and dismissed on August 23, 2016. The prior case was dismissed because the Debtor lost her job and she got behind in her Chapter 13 Payments. The debtor now has new reliable employment and understands the importance of making this Chapter 13 work and receive a Discharge.
6. The instant case was filed on March 23, 2017 which is within one year of the dismissal date of the prior bankruptcy thus triggering the provision of 11 U.S.C. 362(c)(3).
7. The Debtor's prior case was dismissed for not making plan payments. The debtor now has new steady employment and can make the plan payments.
8. The automatic stay will expire on April 23, 2017 which is 30 days after this case was filed.
9. The Debtor filed this case in good faith.

WHEREFORE, for the foregoing reasons, the Debtor respectfully requests that this Court enter an Order extending the automatic stay under 11 U.S.C. § 362 as to all creditors, as to the debtor and the debtor's property, and as to the property of the estate for the duration of this Chapter 13 proceeding, or until such time as the stay is terminated under § 362 (c) (1) or (c) (2), or a motion for relief is granted under § 362(d) and for such other and further relief as the Court shall be deemed appropriate.

Respectfully submitted:
Diathe Yvonne Garnes

By: /s/ Nupa Agarwal
Counsel for Debtor
VA. State Bar No. 42545
P.O. Box 17275
Richmond, Virginia 23226

PROOF OF SERVICE

I certify that I have this 29th Day of March 2017 transmitted a true copy of the foregoing application electronically through the Court's CM/ECF system or by mail to the Debtor, Diathe Yvonne Garnes, 6405 Crested Eagle Lane, Henrico VA 23231; Chapter 13 Trustee, the United States trustee and to all necessary parties, on the mailing matrix maintained by the clerk of court, a copy of which is attached.

/s/Nupa Agarwal
Nupa Agarwal

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DIATHE YVONNE GARNES)	Case No. 17-31517
)	Chapter 13
Debtor.)	

NOTICE OF MOTION AND HEARING

The above-named Debtor having filed papers with the court to Extend the Automatic Stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one.

Pursuant to Local Bankruptcy Rule 6004-4, unless a written response to this motion objecting to the relief requested is filed with the Clerk of the Court and served on the moving party **within fourteen (14) days**, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing.

You must also attend a hearing on the Motion to Extend the Automatic Stay, scheduled to be held on **APRIL 12, 2017, at 12PM**, in Judge Huennekens Courtroom at the U.S. Bankruptcy Court, 701 E. Broad Street, Courtroom 5000, Richmond, VA, 23219.

You must also mail a copy of your response to Nupa Agarwal, Esquire, Counsel for Debtor, P.O. Box 17275, Richmond, VA 23226.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that motion.

Date: March 29, 2017

/s/ Nupa Agarwal
Nupa Agarwal, Esq.
Va. State Bar No. 42545
P.O. Box 17275
Richmond, Virginia 23226
(804) 716-0493

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/s/Nupa Agarwal
Nupa Agarwal

Department of Treasury-IRS
IRS
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Commonwealth of VA-Tax
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